



OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

APR 22 2014

MEMORANDUM FOR SECRETARY OF THE NAVY

SUBJECT: Ocean Research Advisory Panel – Charter Renewal and Membership Balance Plan Approval

The renewed charter (TAB A) and the membership balance plan (TAB B) for the Ocean Research Advisory Panel (“the Panel”) are approved. A copy of the Panel’s charter and its membership balance plan will be provided to the Panel’s Designated Federal Officer (DFO) once the Advisory Committee Management Officer (ACMO) files the charter with the Library of Congress, the Congressional oversight committees, and the General Services Administration.

As part of the charter renewal process, this office, in consultation with the Office of the General Counsel of the Department of Defense (OGC DoD), has affirmed that all individuals appointed to the Panel, once approved by the Secretary of Defense, shall be appointed to serve as special government employee (SGE) or regular government employee (RGE) members, as appropriate. The following points apply:

- (a) Individual members approved for appointment or renewal by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants, under the authority of 5 U.S.C. § 3109, to serve as SGE members. Those who are full-time or permanent part-time Federal officers or employees shall be appointed to serve as RGE members.
- (b) Each member shall be notified, in writing, of the Secretary of Defense approval decision. In preparing your appointment or renewal of appointment letters, the Panel’s DFO should consult the ACMO and OGC DoD, to include the Standards of Conduct Office. At a minimum, the letters shall contain the following:
 - i. Notice that their appointment to serve on the Panel is without compensation, with the exception of reimbursement for official travel and per diem.
 - ii. A statement that they are appointed to serve as SGE or RGE members, as appropriate.
 - iii. An explanation of the difference between serving as SGE and representative members.
 - iv. A summary of the applicable ethics requirements, to include whether SGE members are required to file a Confidential Financial Disclosure Report.

As the Panel’s DoD Sponsor, you are responsible for:

- (a) Ensuring that the Panel’s DFO attends all Panel and subcommittee meetings for the entire duration of each and every meeting.

- (b) Ensuring that the DFO and the Panel fully comply with all governing Federal statutes and regulations, DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program," and policy decisions by the Secretary of Defense or the Director of Administration and Management.
- (c) Ensuring that all members of the Panel and its subcommittees are appointed according to DoD policies and procedures. No member will participate in any work by the Panel or its subcommittees until all of the following have been completed: the member completes and submits to DoD all personnel and ethics paperwork required for his or her appointment; the appropriate DoD offices process the individual's personnel and ethics paperwork; and the individual takes the oath of office for his or her appointment.

Based on the Secretary of Defense's memorandum of October 9, 2012, concerning advisory committees, we recommend you continually reevaluate the Panel's functions and reduce, where appropriate, the Panel's operating costs. As the Secretary indicated, we must continually assess our advisory committees to ensure they deliver appropriate value today and in the future as times and requirements change.

If you should have any questions about this DoD Program, the Federal governance and compliance requirements, the charter renewal, or the membership balance plan, please contact the ACOMO, Mr. Jim Freeman, at 703-692-5952, or by email at james.d.freeman4.civ@mail.mil.



Michael L. Rhodes
Director

Attachments:
As stated

cc:
Office of the General Counsel of the Department of Defense
Special Assistant to the Secretary of Defense (White House Liaison)

A

Charter
Ocean Research Advisory Panel

1. Committee's Official Designation: The Committee shall be known as the Ocean Research Advisory Panel ("the Panel").
2. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 7903 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Panel.
3. Objectives and Scope of Activities: The Panel shall provide independent scientific advice and recommendations to the National Ocean Research Leadership Council ("the Council"), as set out in paragraph four below. The Council operates as the National Ocean Council (NOC) as directed by Executive Order 13547. The NOC Deputy-level Committee ("the Committee") has assumed the statutory responsibilities of the Council.
4. Description of Duties: The Panel shall:
 - a. Provide advice on policies and procedures to implement the National Oceanographic Partnership Program.
 - b. Provide advice on selection of partnership projects and allocation of funds for partnership projects for implementation under the program.
 - c. Provide advice on matters relating to national oceanographic data requirements.
 - d. Fulfill any additional responsibilities that the Committee considers appropriate.
5. Agency or Official to Whom the Committee Reports: Pursuant to 10 U.S.C. § 7903(b), the Panel shall report to the Committee.
6. Support: The Department of Defense (DoD), through the Secretary of the Navy and the Office of Naval Research, shall provide support as deemed necessary for the Panel's performance and functions and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$207,000.00. The estimated annual personnel costs to the DoD are 0.3 full-time equivalents.
8. Designated Federal Officer: The Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures.

In addition, the DFO is required to be in attendance at all meetings of the Panel and any subcommittees, for the entire duration of each and every meeting; however, in the absence of the DFO, a properly approved Alternate DFO, duly appointed to the Panel according to established DoD policies and procedures, shall attend the entire duration of all meetings of the Panel or its subcommittees.

Charter
Ocean Research Advisory Panel

The DFO or the Alternate DFO, shall call all meetings of the Panel and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Panel shall meet at the call of the Panel's DFO, in consultation with the Panel's Chair. The estimated number of Panel meetings is two per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Panel shall terminate upon rescission of 10 U.S.C. § 7903.
12. Membership and Designation: Pursuant to 10 U.S.C. § 7903(a), the Panel shall consist of not less than 10 and not more than 18 members, representing the following:
 - a. One member who will represent the National Academy of Sciences.
 - b. One member who will represent the National Academy of Engineering.
 - c. One member who will represent the Institute of Medicine.
 - d. Members selected from among individuals who will represent the views on ocean industries, State Governments, academia, and such other views as the Chairs of the Committee consider appropriate.
 - e. Members selected from individuals who are eminent in the fields of marine science, marine policy, or related fields.

Panel members shall be appointed by the Chairs of the Committee and approved by the Secretary of Defense or the Deputy Secretary of Defense. These appointments shall be renewed on an annual basis.

Panel members who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants, pursuant to 5 U.S.C. § 3109, to serve as special government employee (SGE) members. Those individuals who are full-time or permanent part-time Federal officers or employees shall be appointed as regular government employee (RGE) members. With the exception of reimbursement for official Panel-related travel and per diem, Panel members shall serve without compensation.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of Panel members for a term of service of one-to-four years; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees. Each Panel member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest

The Secretary of Defense or the Deputy Secretary of Defense shall select the Chair and the Vice Chair of the Panel for a term of service of one-to-four years from among the Panel's

Charter
Ocean Research Advisory Panel

approved membership; such appointment shall not extend past the members approved term of service. In addition, the Secretary of Defense or the Deputy Secretary of Defense may invite other distinguished government officers to serve as non-voting observers of the Panel, and appoint non-voting consultants, with special expertise, to assist the Panel on an ad hoc basis. These non-voting observers and those non-voting experts and consultants appointed by the Secretary of Defense or the Deputy Secretary of Defense shall not count toward the Panel's total membership.

13. Subcommittees: The Department, when necessary, and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups as deemed necessary to support the Panel. Establishment of subcommittees will be based upon written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Navy, as the DoD Sponsor.

Such subcommittees shall not work independently of the Panel, and shall report all their recommendations and advice to the Panel for full deliberation and discussion. Subcommittees have no authority to make recommendations and decisions, verbally or in writing, on behalf of the Panel; nor can any subcommittee or its members update or report directly to the DoD or any Federal officers or employees.

The Secretary of Defense or the Deputy Secretary of Defense shall appoint subcommittee members even if the individual is already a Panel member. Subcommittee members, with the approval of the Secretary of Defense or the Deputy Secretary of Defense, may serve a term of service on the subcommittee of one-to-four years; however, no member shall serve more than two consecutive terms of service on the subcommittee without approval by the Secretary of Defense or the Deputy Secretary of Defense.

Subcommittee members, if not full-time or part-time government employees, shall be appointed to serve as experts and consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members, whose appointments must be renewed by the Secretary of Defense, on an annual basis. Those individuals who are full-time or permanent part-time Federal officers or employees shall serve as RGE members, subject to annual renewals. With the exception of reimbursement for official Panel-related travel and per diem, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and governing DoD policies and procedures.

14. Recordkeeping: The records of the Panel and its subcommittees shall be handled according to section 2, General Records Schedule 26, and governing DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
15. Filing Date:

B

Membership Balance Plan
Ocean Research Advisory Panel

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 7903 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Ocean Research Advisory Panel ("the Panel").
2. Mission/Function: The Panel shall provide independent scientific advice and recommendations to the National Ocean Research Leadership Council ("the Council"). The Council now operates as the National Ocean Council (NOC) as directed by Executive Order 13547 and consists of the Secretaries of the Departments and Administrators and Directors of Federal Agencies that have interest in improving the knowledge and understanding of the ocean. The statutory duties of the Council have been assumed by the NOC Deputy-level Committee ("the Committee").
3. Points of View: Pursuant to 10 U.S.C. § 7903(a), the Panel shall consist of not less than 10 and not more than 18 members, representing the following:
 - a. One member who will represent the National Academy of Sciences.
 - b. One member who will represent the National Academy of Engineering.
 - c. One member who will represent the Institute of Medicine.
 - d. Members selected from among individuals who will represent the views on ocean industries, State Governments, academia, and such other views as the Chairs of the Committee consider appropriate.
 - e. Members selected from individuals who are eminent in the fields of marine science, marine policy, or related fields.

The NOC represents all elements of U.S. Government with interests in the ocean to promote the national goals of assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication. Thus, the span of the interest and responsibility includes activities of the government beyond the normal interest of the DoD.

The DoD is required to provide a Panel capable of viewing the complex issues facing the Nation, through a multidiscipline advisory committee, in order to provide the American public with a broader understanding on which to base subsequent policy decisions.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Panel, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Panel members approved by the Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts and consultants, under 5 U.S.C. § 3109, to serve as special government employee (SGE) members. Those individuals who are full-time or permanent part-time Federal officers or employees shall be approved to serve as regular government employee (RGE) members. Panel members shall be renewed, on an annual basis, by the Secretary of Defense or the Deputy Secretary of Defense.

The Panel's membership balance is not static and the Chair of the Committee may appoint and the Secretary of Defense or the Deputy Secretary of Defense may approve a revised membership based upon work assigned to the Panel by the Committee. In addition, the Department, unless

Membership Balance Plan
Ocean Research Advisory Panel

directed by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees.

4. Other Balance Factors: Candidates for appointment come from academia, the private sector, former senior government employees, or senior military officers. The Panel shall include members who represent the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine. Based upon an agreement among these institutions and the Council, one member designated by the institutions will represent all three institutions and his or her membership shall be approved by the Secretary of Defense or the Deputy Secretary of Defense. There is also a desire for consideration of geographic balance to ensure the viewpoints of the different coastal and marine localities are represented.
5. Candidate Identification Process: Potential candidates, based on the educational and professional credentials of individuals are identified by an announcement in the Federal Register and discussed with representatives of the Committee. After the identification of a field of possible candidates, a screening committee, under the auspices of the Committee further narrows the list of potential candidates based on the current needs of the Committee. Once potential candidates are identified, the Chairs review the credentials of each individual, striving to achieve a balance between the professional credentials of the individual and the near term subject matters that they anticipate will be reviewed by the Panel. The Chairs then appoint the Panel's membership.

Before formal nomination to the Secretary of Defense, the list of potential candidates undergoes a review by the Office of General Counsel of the Department of Defense and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Panel's charter and membership balance plan. Following this review, the Secretary of the Navy formally nominates the appointees to the Secretary of Defense or the Deputy Secretary of Defense for approval; pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees and subcommittees.

Following the Secretary of Defense or the Deputy Secretary of Defense approval, the approved candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

The Secretary of Defense may approve the appointment of Panel members for one-to-four year terms of service; however, no member, unless authorized by the Secretary of Defense or the Deputy Secretary of Defense, may serve more than two consecutive terms of service. This same term of service limitation also applies to any DoD authorized subcommittees for the Panel.

Panel and subcommittee member vacancies will be filled in the same manner as described in the previous four paragraphs above.

6. Subcommittee Balance: The DoD, when necessary, and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Panel.

Membership Balance Plan
Ocean Research Advisory Panel

Subcommittee members are selected by the Secretary of the Navy; and the Secretary of Defense or the Deputy Secretary of Defense shall approve their appointments. These individuals may come from the parent committee or new nominees, as recommended by the Panel's sponsor and based upon the matters under consideration. The subcommittee's membership is balanced in the same manner as the parent committee

7. Other: As nominees are considered for appointment to the Panel, the DoD adheres to the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
8. Prepared:

C

CHARTER
OCEAN RESEARCH ADVISORY PANEL

1. Committee's Official Designation: The committee shall be known as the Ocean Research Advisory Panel (hereafter referred to as "the Panel").
2. Authority: The Secretary of Defense, under the provision of 10 U.S.C. § 7903, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(a) (required by statute), established the Panel.
3. Objectives and Scope of Activities: The Panel shall provide independent scientific advice and recommendations to the National Ocean Research Leadership Council (hereafter referred to as "the Council"), as set out in (4) below.
4. Description of Duties: The Panel shall:
 - a. Provide advice on policies and procedures to implement the National Oceanographic Partnership Program.
 - b. Provide advice on selection of partnership projects and allocation of funds for partnership projects for implementation under the program.
 - c. Provide advice on matters relating to national oceanographic data requirements.
 - d. Fulfill any additional responsibilities that the Council considers appropriate.
5. Agency or Official to Whom the Committee Reports: The Panel shall report to the Council.
6. Support: The Department of Defense (DoD), through the Secretary of the Navy and the Office of Naval Research, shall provide support as deemed necessary for the Panel's performance and functions, and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

Additional information and assistance, as required and with DoD approval, may be obtained from other DoD Components with contracting authority and support contractors, including DoD Federally Funded Research and Development Centers, for studies and analysis support.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating costs, to include travel and meeting and contract support, are approximately \$207,000.00. The estimated annual personnel costs to the DoD are 0.3 full-time equivalents.

8. Designated Federal Officer: The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with governing DoD policies and procedures.

In addition, the Designated Federal Officer is required to be in attendance at all Panel and subcommittee meetings for the entire duration of each and every meeting; however, in the absence of the Designated Federal Officer, a properly approved Alternate Designated Federal Officer shall attend the entire duration of the Panel or subcommittee meeting.

The Designated Federal Officer, or the Alternate Designated Federal Officer, shall call all of the Panel's and subcommittees' meetings; prepare and approve all meeting agendas; adjourn any meeting when the Designated Federal Officer, or the Alternate Designated Federal Officer, determines adjournment to be in the public interest or required by governing regulations or DoD policies/procedures; and chair meetings when directed to do so by the official to whom the Panel reports.

9. Estimated Number and Frequency of Meetings: The Panel shall meet at the call of the Panel's Designated Federal Officer, in consultation with the Panel's Chairperson. The estimated number of Panel meetings is two per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Panel shall terminate upon rescission of 10 U.S.C. § 7903.
12. Membership and Designation: The Panel shall consist of not less than 10 and not more than 18 members, representing the following:
- a. One member who will represent the National Academy of Sciences.
 - b. One member who will represent the National Academy of Engineering.
 - c. One member who will represent the Institute of Medicine.
 - d. Members selected from among individuals who will represent the views of ocean industries, State governments, academia, and such other views as the Chairman of the Council considers appropriate.
 - e. Members selected from among individuals eminent in the fields of marine science or marine policy, or related fields.

Panel Members shall be appointed by the Chairman of the Council and their appointments shall be renewed on an annual basis by the Secretary of Defense. The Panel's membership shall select the Chairperson and Vice-Chairpersons of the Panel for renewable one-year terms. In addition, the Secretary of Defense may invite other distinguished government officers to serve as non-voting observers of the Panel, and appoint consultants, with special expertise, to assist the Panel on an ad hoc basis.

Non-voting observers and those non-voting experts and consultants appointed by the Secretary of Defense shall not count toward the Panel's total membership.

Panel Members who are not full-time or permanent part-time Federal officers or employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109 and shall serve as special government employee members. With the exception of travel and per diem for official Panel related travel, Panel members shall serve without compensation.

The Secretary of Defense may approve the appointment of Panel members for one to four year terms of service; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service.

Each Panel member is appointed to provide advice on behalf of the government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

13. Subcommittees: The Department, when necessary, and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Panel. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense or the advisory committee's sponsor.

Such subcommittees shall not work independently of the chartered Panel, and shall report all their recommendations and advice to the Panel for full deliberation and discussion. Subcommittees have no authority to make decisions on behalf of the chartered Panel; nor can any subcommittee or its members update or report directly to the DoD or any Federal officers or employees.

All subcommittee members shall be appointed in the same manner as the Panel members; that is, the Secretary of Defense shall appoint subcommittee members even if the member in question is already a Panel member. Subcommittee members, with the approval of the Secretary of Defense, may serve a term of service on the subcommittee of one to four years; however, no member shall serve more than two consecutive terms of service on the subcommittee.

Subcommittee members, if not full-time or part-time government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as special government employees, whose appointments must be renewed by the Secretary of Defense on an annual basis. With the exception of travel and per diem for official Panel related travel, subcommittee members shall serve without compensation.

All subcommittees operate under the provisions of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

14. Recordkeeping: The records of the Panel and its subcommittees shall be handled according to section 2, General Record Schedule 26, and appropriate Department of Defense policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552).

15. Filing Date: April 18, 2012

D



DEPARTMENT OF THE NAVY
ASSISTANT FOR ADMINISTRATION
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

ACTION MEMO

FOR: DIRECTOR, ADMINISTRATION AND MANAGEMENT, OFFICE OF THE
SECRETARY OF DEFENSE

FROM: Ms. Carla Lucchino, Department of the Navy/Assistant for Administration

SUBJECT: Ocean Research Advisory Panel Charter Renewal

- Request your approval to renew the charter for the Ocean Research Advisory Panel (ORAP) (TAB A). The ORAP charter expires February 10, 2014.
- The required committee information as requested by DoDI 5105.04; E3.4.6.2.1 and General Services Administration, is at TAB B.
- The renewal reflects no changes to the current ORAP charter.

RECOMMENDATION: DA&M approve the renewal of the ORAP charter (TAB A).

COORDINATION: TAB C

Attachments:
As stated

E

COORDINATION SHEET

Ocean Research Advisory Panel – Charter Renewal and Membership Balance Plan

Advisory Committee Management Officer (ACMO)

FREEMAN JAMES
D.II.1043158844

DoD-Wide FACA Attorney to DA&M & ACMO

SATSD(WHLO)

A handwritten signature in black ink, appearing to be 'FJ', written over a horizontal line.

POC: Megan McPherson, megan.g.mcpherson.ctr@mail.mil,
703-614-1329

COORDINATION SHEET

Ocean Research Advisory Panel – Charter Renewal and Membership Balance Plan

Advisory Committee Management Officer (ACMO)

DoD-Wide FACA Attorney to DA&M & ACMO

SATSD(WHLO)

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DN: c=US, o=U.S. Government,
ou=DoD, ou=PKI, ou=WH5,
cn=CROWLEY.EL AINE.C.1454427
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Date: 2014.04.16 10:02:29 -0400

POC: Megan McPherson, megan.g.mcpherson.ctr@mail.mil,
703-614-1329